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Attorney for Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In Re:

SCHNEIDER, JOHN HENRY

Case No. 14-61357-7

Debtor(s)

**APPLICATION TO APPROVE EMPLOYMENT OF REALTOR TED HARVEY
& AFFIDAVIT**

The application of Trustee, **Joseph V. Womack**, respectfully represents:

1. The Debtor(s) herein filed a Chapter 7 bankruptcy petition on December 4, 2014.

2. Trustee wishes to employ Ted Harvey, Real Estate Broker with Live Water Properties ("Professional") as the realtor for this estate.

3. Trustee has selected Professional for the following reasons:

i. Ted Harvey is a professional real estate brokerage firm with its principal place of business being in Cody, Wyoming, which is near where the property is located, and Professional is a realtor associated with Live Water Properties. They have many years experience in the marketing of real estate. As part of these duties, they are familiar with the fair-market values in the area and have made many informal appraisals to assist parties in determining values of real estate.

ii. The administration of this case requires that the Trustee liquidate real estate. It will be necessary for him to determine fair-market value of this property and he will need assistance to complete the sale of the property.

4. The professional services that Professional is to render include: Listing and marketing the real estate and attempting to find a qualified buyer for the property in Park County, Wyoming known as Whispering Winds Ranch. Trustee wishes to employ Professional to assist him in selling the property because he is very familiar with the property, and has connections to the type of buyers potentially interested in the property. To the best of Applicant's knowledge, Professional has no undisclosed connection with the creditors, or any other party in interest, or their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, and is a "disinterested person," as defined in **11 U.S.C. § 101(14)** except: Professional was previously hired by Debtor to market and sell the property. Applicant is unaware of any such relationships affecting this case, and believes that Professional's familiarity with the property makes him the best choice to market the property now.

5. The terms of employment of Professional agreed to by the Trustee, subject to the approval of the Court are: Professional will receive a commission of Six Percent (6%) of the gross selling price as compensation for his services. Professional may split this commission with another realtor representing the buyer of the property so that Professional will receive a commission of 3.3 percent from the sale and the buyer's broker will receive 2.7 percent of the gross selling price. A retainer of \$ -0- has been paid to said professional.

6. Professional represents no interest adverse to Trustee or the estate in the matters upon which Professional is to be engaged, and Professional's employment would be in the best interest of this estate.

WHEREFORE, Trustee prays that the Court approve Professional's employment under the terms specified herein.

DATED this 16th day of June, 2016.

WALLER & WOMACK, P.C.

By: /s/ Joseph V. Womack
Joseph V. Womack
Ch. 7 Bankruptcy Trustee

AFFIDAVIT

STATE OF WYOMING)
 : ss.
County of Park)

Ted Harvey, being duly sworn upon his oath, deposes and states;

1. I am a realtor and broker with Live Water Properties in Cody, Wyoming.

2. Neither I nor Live Water Properties has any undisclosed connections with the Debtor, creditors, or any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, and we are "disinterested persons" as defined in **11 U.S.C. §101(14)**, except: I was previously hired by Debtor to make and list the property. I am unaware of any such relationships affecting this case.

3. Neither I nor Live Water Properties represent any interest adverse to the Debtor or the estate in the matters upon which we are to be engaged.

4. I have received a general retainer in the amount of \$-0-, which shall not be used to pay compensation or for reimbursement of my expenses without prior approval of this Court.

5. I/we declare under penalty of perjury that the foregoing is true and correct.

DATED this 13th day of June 2016, in Cody, Park County, Wyoming.

LIVE WATER PROPERTIES

By: /s/ Ted Harvey
Ted Harvey, Broker